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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,775	01/06/2000	Christopher N. Elsbree	ICO-004 (4594/11)	2147
51414	7590	04/06/2005	EXAMINER	
GOODWIN PROCTER LLP PATENT ADMINISTRATOR 53 STATE PLACE EXCHANGE PLACE BOSTON, MA 02109-2881			NGUYEN, LE V	
			ART UNIT	PAPER NUMBER
			2174	
DATE MAILED: 04/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/478,775

Applicant(s)

ELSBREE ET AL.

Examiner

Le Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,8,9,11,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,8,9,11,14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This communication is responsive to an amendment filed 5/5/04.
2. Claims 1, 3, 5, 8, 9, 11, 14 and 15 are pending in this application; and claims 1, 8 and 14 are independent claims. Claims 6, 12 and 16 have been cancelled. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

4. Claims 1, 3, 5, 8, 9, 11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being anticipated by Lincke et al. ("Lincke") in view of Parker et al. ("Parker").

As per claim 1, Lincke teaches a method of creating a graphical human-machine interface, comprising the steps of providing a computer using a first operating system (col. 9, lines 8-9; col. 65, line 59; col. 83, lines 5-29), providing a handheld portable computing device in communication with the computer that uses a second operating system that is less capable than the first operating system (fig. 1; col. 10, lines 33-34), generating on the computer an interactive control software object that provides an interactive graphical human-machine interface when operating on the a handheld portable computing device to allow control of at least one parameter of a process by use of the handheld portable computing device (col. 16, line 46 through col. 17, line 28; col. 22, lines 3-9; col. 22, lines 3-9 and lines 51-57; col. 23, lines 1-5; col. 36, lines 23-25;

and, col. 14, lines 2-3; *the computer provides control of at least one parameter such as control of window width parameter of the hand held portable computing device either by using the computer's default settings or querying the handheld portable computing device*), and transferring the interactive control software object from the computer to the a handheld portable computing device (fig. 1; col. 12, lines 8-12). Lincke does not explicitly disclose simulating on the computer the operation of the interactive control software object, Parker teaches simulating on the computer the operation of the interactive control software object (col. 4, lines 1-6). Therefore, it would have been obvious to an artisan at the time of the invention to include Parker's teaching of simulating on the computer the operation of an interactive control software object to Lincke's teaching of generating on the computer the operation of the interactive control software object so that users may validate the application program's functionality with respect to its use of the GUI or affirm the functionality of the interactive control software object.

As per claim 3, the modified Lincke teaches a method of creating a graphical human-machine interface comprising operating the interactive control software object to provide the interactive graphical human-machine interface on the handheld portable computing device (Lincke: col. 16, line 46 through col. 17, line 28; col. 22, lines 3-9; col. 22, lines 3-9 and lines 51-57; col. 23, lines 1-5; col. 36, lines 23-25; and, col. 14, lines 2-3) and transmitting process control information between the computer and the handheld computing device (Lincke: fig. 1; col. 12, lines 8-12).

As per claim 5, the modified Lincke teaches a method of creating a graphical human-machine interface wherein step (c) comprises generating on the computer the interactive control software object which is processor-independent (fig. 1; col. 9, lines 8-16; *the platform/processor-independent software can run on various devices and platforms*).

Claim 8 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claims 9 and 14 are individually similar in scope to claim 3 and are therefore rejected under similar rationale.

Claim 11 is similar in scope to claim 5 and is therefore rejected under similar rationale.

As per claim 15, the modified Lincke teaches a method of creating a graphical human-machine interface wherein step (d) comprises operating the interactive control software object on the handheld portable computing device to display both graphical information and alphanumeric information (col. 16, line 46 through col. 17, line 28; col. 22, lines 3-9; col. 22, lines 3-9 and lines 51-57; col. 23, lines 1-5; col. 36, lines 23-25; and, col. 14, lines 2-3; *displays alphanumeric information such as letters or digits (or both) or control characters, space characters as well as graphical information*).

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Response to Arguments***

6. Applicant's arguments filed 1/13/2005 have been fully considered but they are not persuasive.

Applicant argued the following:

(a) Lincke does not teach or suggest generating an interactive control software object that provides an interactive graphical human-machine interface when operating on the a handheld portable computing device to allow control of at least one parameter of a process by use of the handheld portable computing device.

(b) There is no suggestion or motivation to combine Lincke and Parker.

The examiner disagrees for the following reasons:

Per (a), Lincke does teach an interactive graphical human-machine interface when operating on the ~~a~~ handheld portable computing device to allow control of at least <sup>42</sup> one parameter of a process by use of the handheld portable computing device wherein the parameter determines the range of window size variations (fig. 1; col. 12, lines 8-12; col. 16, line 46 through col. 17, line 28; col. 22, lines 3-9; col. 22, lines 3-9 and lines 51-57; col. 23, lines 1-5; col. 36, lines 23-25; and, col. 14, lines 2-3).

Per (b), in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine is found in the teachings of Parker (col. 4, lines 4-6).

### ***Inquires***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571)272-4063.

Art Unit: 2174

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN  
Patent Examiner  
April 1, 2005

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100